

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and in response to the final Office Action dated January 23, 2009. Filed herewith is a Request for a One-month Extension of Time, making a response due by May 23, 2009.

Claims 16 and 18-34 are pending in this application.

In the final Office Action, claim 17 was objected to for an informality. Claims 16-31 were rejected under 35 U.S.C. 102(b) as being anticipated by UK Patent Application '566 ("GB '566"). Claims 16-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over GB '566.

In the present amendment, claim 16 has been amended to more clearly define the present invention over the cited art by adding the features of claim 17, which was canceled.

In addition, new claims 32 - 34 have been added. New independent claim 32 combines the features of claims 16 and 27 as well as the feature that the locking means is embodied as a locking recess. This features is disclosed on page 8, line 19 of the application.

Support for new dependent claim 33 can be found in the specification on page 8, lines 26-27. Support for new dependent claim 34 can be found on page 8, lines 17-19.

The cited reference to GB '566 discloses a hand-held power tool 10 with a removable tool holder 21a. This reference discloses the feature of a tool holder 21a with a tool fitting body 24 with a receiving region for receiving a tool 15, the receiving region forming a bearing surface 23 for supporting the tool 15 such that the tool 15 may be inserted into the tool fitting body 24 in an insert direction parallel to the bearing surface 23 (see Fig. 2 of GB '566).

To clarify the Applicants' interpretation of GB '566, attached hereto is an explanatory figure, which corresponds to Fig. 2 of this reference. With this figure, the Applicants would like to clarify that the plain lines represented in the figure in the region of the main opening of the tool holder 21a and designated by the added arrow and the dashed circle ***form a part of the tool holder 21a*** and NOT of the tool 15. The tool 15 is schematically represented in all of the figures by dashed lines, while this part is represented with plain, unbroken lines.

The Applicants further submit that the plain line representation of the part designated by the arrow and the dashed circle cannot be an error. If the part designated by the arrow and the dashed circle was a part of the tool 15, the tool 15 could not move in the axial direction. The mobility of the tool 15 in the axial direction, however, is absolutely necessary since the hand machine tool is a hammer drill. It is therefore clear that the part designated by the arrow and the dashed circle is a part of the tool holder 21a and not of the tool 15.

The Applicants agree with the Examiner that the tool 15 shown in GB '566 also could be interpreted as an adapter. The wording "adapter" taken alone is not sufficient to distinguish it from a tool.

However, the structural limitations regarding the adapter and recited in amended claim 16 are clearly NOT met by the tool 15 disclosed by GB '566. In view of the very schematic representation of the tool 15 by means of the dashed lines, the only structural features of the tool 15 which are disclosed in GB '566 are a flat inserting region for inserting into the tool holder, wherein the inserting region abuts on the bearing surface 23 of the tool holder 21a; and a recess for cooperation with a ball of the tool holder 21a.

Other structural characteristics of the tool 15 interpreted as an adapter are NOT disclosed in GB '566. Consequently, the tool 15 interpreted as an adapter lacks the essential structure features recited in amended claim 16: the tool 15 interpreted as an adapter does not have any receiving region for receiving a chuck for a drill bit; and the tool 15 interpreted as an adapter lacks the feature required in claim 16 of a centering means configured for centering the adapter with respect to the tool holder 21a, the centering means having at least a centering surface being provided to correspond with the centering surface of the tool holder.

The tool 15 interpreted as an adapter lacks *de facto* also all of the features recited in the dependent claims and which relate to the adapter, for example, in claims 23-26.

A system as defined in amended claim 16 has the advantage that a fitting of an adapter in the tool holder can be made with a very small amount of play and eccentricity. It is possible to avoid an unwanted tilting angle of the adapter in the tool holder. The very small amount of play and eccentricity due to the

centering means of the system makes it possible to work with the adapter in a particularly comfortable and precise way.

Another advantage is that the centering means of the tool holder and of the adapter are provided to achieve a particularly simple mounting of the adapter, wherein the centering of the system is not sensitive to soiling.

GB '566 provides no suggestion which would motivate one skilled in the relevant art to provide a system with a tool holder for receiving an adapter, in which the tool holder has a centering means for centering the adapter with respect to the tool holder.

Although the tool 15 in GB '566 can be interpreted as an adapter, this reference lacks the essential features of the adapter recited in amended claim 16, in view of the schematic representation of the tool 15.

Thus, one skilled in the art could not be led at the time the invention was made to the subject matter of claim 16. Claim 16 as amended is therefore patentable over GB '566.

Since new claim 32 recites all of the features of claim 16, this claim also is patentable over GB '566. Furthermore, the feature of the locking recess of the adapter recited in claim 32 cannot be considered as obvious over the cited art, in which a tool with a locking recess is disclosed. The locking recess of the adapter according to the present invention has the function of limiting the axial mobility of the adapter. With this reduction of the axial mobility, the adapter permits advantageously the use of a conventional drill bit which can be inserted with a chuck into the receiving region of the adapter. With this function, the adapter can

be used in combination with a hammer drill, by which a rotary hammer bit inserted in the tool holder can be replaced by the adapter. A chuck for a drill bit can then be inserted in the receiving region of the adapter and the hammer drill can be used for precise drilling. Due to the limited axial mobility of the adapter, precise drilling, such as with wood or metal, can be performed with a hammer drill, which typically is not adapted for a high drilling precision. These features and advantages of the present invention as defined in claim 32 are not disclosed or suggested by GB '566.

Therefore, the practitioner could not be led to the present invention as defined in the amended and new claims, since GB '566 fails to disclose or suggest the above features. GB '566 cannot be an appropriate reference either under, MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in Applicant's claim, or under MPEP section 2143.03, since not all of Applicant's claim limitations are taught or suggested.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


Michael J. Striker

Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700